

Please Direct All Correspondence to Customer Number 20995

ISSUE FEE TRANSMITTAL LETTER

Applicant	:	John Francis Gordon
App. No	:	09/991863
Filed	:	November 16, 2001
For	:	APPARATUS AND METHOD FOR CARRYING OUT ANALYSIS OF SAMPLES USING RADIATION DETECTOR OUTPUT RATIOS
Art Unit	:	2877
Class/Sub-Class	:	356-436000
Examiner	:	Layla G. Lauchman

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

May 25, 2006

(Date)

Drew S. Hamilton, Reg. No. 29,801

MAIL STOP ISSUE FEE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Enclosed for filing is the Issue Fee for the above-identified application:

- (X) Form PTOL-85.
- (X) Comment on Reasons for Allowance
- (X) Notification of Loss of Small Entity Status
- (X) A check in the amount of \$1,730 is enclosed for the following fees:

- (X) \$1,400 Issue Fee
- (X) \$300 Publication Fee
- (X) \$30 Advance Order of 10 Copies

- (X) Return prepaid postcard.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Account No. 11-1410.

Drew S. Hamilton
Registration No. 29,801
Attorney of Record
Customer No. 20,995
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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

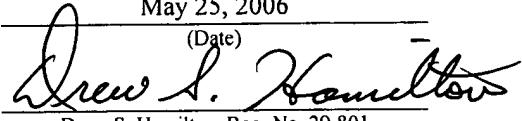
Applicant : John Francis Gordon
Appl. No. : 09/991,863
Filed : November 16, 2001
For : APPARATUS AND METHOD
FOR CARRYING OUT
ANALYSIS OF SAMPLES USING
RADIATION DETECTOR
OUTPUT RATIOS
Examiner : Zandra V. Smith
Group Art Unit : 2877

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Drew S. Hamilton, Reg. No. 29,801

COMMENT ON REASONS FOR ALLOWANCE

Mail Stop: Issue Fe
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In the Notice of Allowability mailed February 27, 2006, the Examiner made reference to the Examiner's Statement of Reasons for Allowance which is set forth in the Notice of Allowability mailed May 5, 2005. In that Notice of Allowability, the Examiner stated that:

"The prior art of record, taken alone or in combination, fails to disclose or render obvious a method of conducting an optical inspection of a specimen in association with an optical disk that includes positioning one detector on one side of the disc and two detectors on the other side of the disc as shown in Claim 14, in combination with the rest of the limitations of Claims 14, 28 and 46." (Emphasis added)

Applicant respectfully notes that the Examiner has mischaracterized the language of Claims 14, 28 and 46, in that those claims do not define "two detectors on the other side of the disc". Rather, Claim 14 states that "said first and second optical detectors are positioned in operable proximity to opposite sides of the optical disc". Similarly, Claim 28 includes the limitation of "said detector system for optically inspecting said specimen including a first

Appl. No. : 09/991,863
Filed : November 16, 2001

detector on one side of said optical disc and a second detector on an opposite side of said optical disc." (Emphasis added). Furthermore, Claim 46 defines structure including "a first detector located in operable proximity to a first side of said optical disc and a second detector located in operable proximity to a second side of said optical disc". Thus, none of claims 14, 28 or 46 include a limitation wherein one detector is positioned on one side of the disc and two detectors are positioned on the other side of the disc.

Nevertheless, Applicant respectfully submits that, for at least the reasons indicated in Applicant's Amendment mailed September 3, 2004, Claims 14, 28 and 46, as well as the other claims whose allowability is indicated, clearly define subject matter which is patentable over the prior art of record. Accordingly, Applicant respectfully submits that the claims continue to be in condition for allowance and requests that the application be allowed to proceed to issuance.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: May 25, 2006

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PATENT



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Examiner : Layla G. Lauchman

Group Art Unit: 2877

Batch No.:

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May 25, 2006

(Date)

Drew S. Hamilton

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NOTIFICATION OF LOSS OF ENTITLEMENT TO
SMALL ENTITY STATUS 37 C.F.R. § 1.28(b)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
ATTENTION: Issue Branch

Dear Sir:

Applicant hereby notifies the Patent and Trademark Office that it is no longer entitled to status as a small entity and that the claim for small entity status set forth in the verified statement filed on November 16, 2001 is hereby withdrawn.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: May 25, 2006

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